

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DAVID SWICKHEIMER,</b>	:	
	:	
on behalf of himself and all others	:	
similarly situated,	:	<b>Case No. 2:19-cv-3706</b>
	:	
Plaintiff,	:	<b>JUDGE GRAHAM</b>
	:	
v.	:	<b>MAGISTRATE JUDGE VASCURA</b>
	:	
<b>BEST COURIER, INC., et al.,</b>	:	
	:	
	:	
Defendants.	:	
	:	

**ORDER**

This matter is before the Court for consideration of the October 13, 2021, Report and Recommendation of Magistrate Judge Vascura to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 64.) Magistrate Judge Vascura recommended that the following opt-in Plaintiffs' claims be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute: (1) Richard Palma, (2) Mark Henry, (3) Angela Terry, (4) Maurice O'Bannon, and (5) Faisal Adan.

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen (14) days "will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (*Id.* at 353.) The deadline for filing objections to the Report and Recommendation has since expired, and no party has objected to the Report and Recommendation.

The Court agrees with Magistrate Judge Vascura's Report and Recommendation (ECF No. 64), and it is hereby **ADOPTED**. The following opt-in Plaintiffs' claims are **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(b): (1) Richard Palma, (2) Mark Henry, (3) Angela Terry, (4) Maurice O'Bannon, and (5) Faisal Adan.

**IT IS SO ORDERED.**

/s/ James L. Graham  
JAMES L. GRAHAM  
United States District Judge

DATE: November 1, 2021